

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

TABATHA WHITE,

Petitioner,

v.

JEWEL STEELE, Warden,

Respondent.

No. 3:06-cv-0428

Judge Haynes

*OKED
In light of
the Sixth
Circuit's Order
this motion is
DENIED as moot.*

**MOTION FOR STAY OF JUDGMENT
PENDING RULE 59 MOTION AND APPEAL**

*Will
JEM
9-8-14*

Respondent respectfully moves for a stay of this Court's judgment pending the contemporaneously filed motion to alter or amend, and contemplation of an appeal to the United States Court of Appeals for the Sixth Circuit. On March 31, 2014, this Court entered an order granting a writ of habeas corpus to petitioner, Tabatha White, after finding that the Tennessee Court of Criminal Appeals' decision affirming her first-degree murder conviction was an unreasonable application of clearly established federal law. [D.E. No. 64.] The court directed that the petitioner be retried within 120 days. [D.E. No. 65.]

Under 28 U.S.C. § 2253, the final order in a habeas corpus proceeding is subject to review on appeal by the court of appeals for the circuit in which the proceeding is held. *See also* 28 U.S.C. § 1291 ("The courts of appeals . . . shall have jurisdiction of appeals from all final decisions of the district courts of the United States . . ."). Contemporaneous with the filing of this motion, the respondent is filing a motion to alter or amend this court's judgment, and, if necessary contemplates